

ORDINANCE 2014-15

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA, ANNEXING TERRITORY TO THE TOWN OF WHITESTOWN,
INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING
THE SAME A PART OF THE TOWN OF WHITESTOWN**

2014 WHITESTOWN PARKWAY ANNEXATION

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Town") deems it desirable and in the best interest of the Town to annex to the Town certain territory generally located to the south of the Town's existing corporate limits, as hereinafter described ("Annexation Territory"); and

WHEREAS, the Annexation Territory is owned by multiple owners and others with property interests vested therein; and

WHEREAS, a map and legal description of the Annexation Territory is attached hereto as Exhibit A and Exhibit B, respectively; and

WHEREAS, where the legal description attached as Exhibit B describes land that is contiguous to a public highway right-of-way that has not previously been annexed and is not within another municipality as of the effective date hereof, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit B; and

WHEREAS, the Annexation Territory, as amended, consists of approximately forty-nine (49) acres, and is contiguous to the existing Town limits; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to any annexed areas; and

WHEREAS, the Town has engaged professionals to study the fiscal and governmental impacts of such an annexation on both the Town and on the affected landowners; and

WHEREAS, prior to adoption of this Ordinance, this Council, by resolution, has adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution provide for the provision of services of a non-capital nature (including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the Town) to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution provide for the provision of services of a capital nature (including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan and definite policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, the Annexation Territory is contiguous to the existing corporate boundaries of the Town; and, the Annexation Territory is needed and can be used by the Town for its development in the reasonably near future; and

WHEREAS, the Annexation Territory is subdivided and zoned for commercial, business, or industrial use; and

WHEREAS, prior to the final adoption of this Ordinance, the Town has conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

1. The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. § 36-4-3 et seq., the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Council District No. 4.
4. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time the Town updates its respective comprehensive plan, zoning ordinance, or zoning map.
5. If it is determined in any final order no longer subject to appeal in any challenge to this Ordinance that any amendment to this Ordinance either prior to or after its adoption has rendered this Ordinance unenforceable, invalid, or otherwise ineffective, then this Ordinance shall be reformed so as to exclude such amendment and shall be considered adopted as if the amendment had never been made.
6. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
7. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Introduced on April 22, 2014, and adopted by the Town Council of the Town of Whitestown, Indiana, on _____, 2014.

THE TOWN COUNCIL OF THE TOWN
OF WHITESTOWN, INDIANA

YAY/NAY

Eric Miller

Julie Whitman

Dawn Semmler

Susan Austin

Kevin Russell

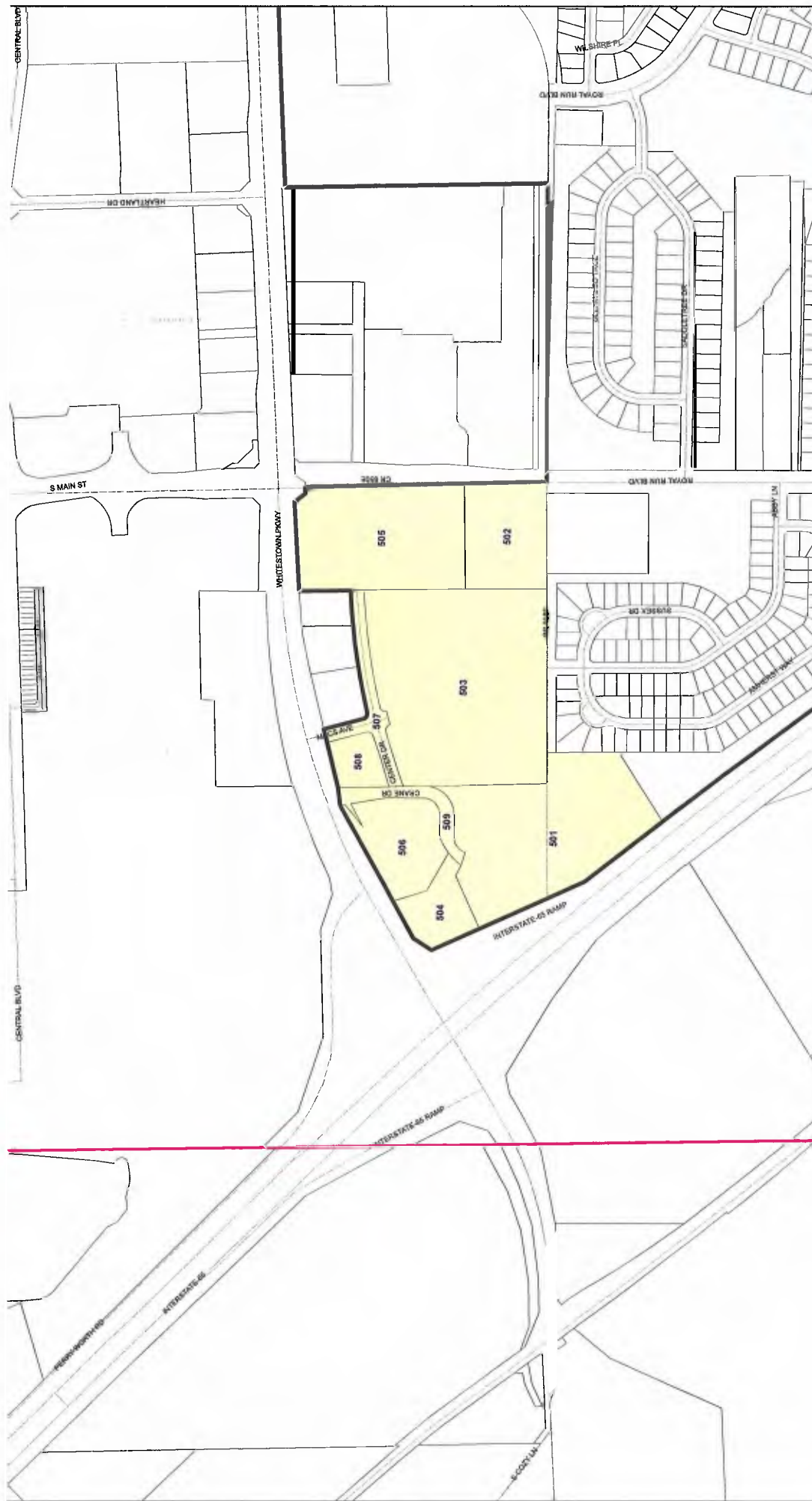
ATTEST:

Amanda Andrews, Clerk-Treasurer
Town of Whitestown, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Stephen C. Unger

This Ordinance was prepared by Stephen C. Unger, Attorney at Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204

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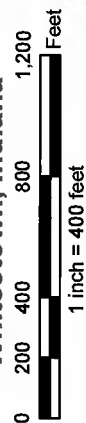


Legend

- Whitestown Corporate Limit
- Township Boundary
- Annexation - Whitestown Parkway
- Parcel Boundary
- Road Centerlines

Total Area (Acres): 49
 Perimeter (feet): 6,344
 Shared Boundary (feet): 4,470
 Contiguous Percentage: 70.5%

Potential Annexation - Whitestown Parkway Whitestown, Indiana



Engineers - Architects - Planners
GRW Engineers, Inc.
 7112 Waldemar Drive
 Indianapolis, IN 46266
 Voice: 317.347.3550
 Fax: 317.347.3556
 Printed: April 22, 2014

EXHIBIT

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 A

**WHITESTOWN 2014 WHITESTOWN PARKWAY ANNEXATION
LEGAL DESCRIPTION**

Beginning at the southeast corner of the Northwest Quarter of Section 6, Township 17 North, Range 2 East, Boone County, Indiana; thence North 89 degrees 05 minutes 17 seconds West 1193.94 feet along the south line of said Northwest Quarter to the east line of the tract of land conveyed by the Quitclaim Deed recorded as Instrument No. 9901450 in the Office of the Recorder of Boone County, Indiana; thence along the boundary of said tract of land the following two (2) courses: (1) South 00 degrees 02 minutes 03 seconds East 326.70 feet; (2) thence South 58 degrees 57 minutes 57 seconds West 353.69 feet to the northeastern right of way line of Interstate 65; thence the following three (3) courses along said right of way line: (1) North 37 degrees 51 minutes 31 seconds West 436.82 feet; (2) thence North 20 degrees 24 minutes 07 seconds West 249.66 feet; (3) thence North 24 degrees 07 minutes 03 seconds West 496.85 feet to the southern right of way line of Whitestown Parkway (formerly State Road 334); thence the following four (4) courses along said southern right of way line: (1) North 35 degrees 40 minutes 02 seconds East 94.35 feet; (2) North 61 degrees 30 minutes 50 seconds East 555.99 feet; (3) North 70 degrees 07 minutes 42 seconds East 197.22 feet to a point on a curve to the right having a radius of 3163.16 feet and subtended by a long chord having a bearing of North 73 degrees 50 minutes 32 seconds East and a length of 259.96 feet; (4) thence Northeasterly along said curve an arc distance of 260.03 feet to the northwest corner of the tract of land described in Annexation Ordinance 2007-11 recorded as Instrument No. 200700012697 in the Office of the Recorder of Boone County, Indiana; thence the following four (4) courses along the boundary of said tract of land: (1) South 14 degrees 20 minutes 46 seconds East 200.37 feet to a point on a curve to the left having a radius of 25.00 feet and subtended by along chord having a bearing of South 58 degrees 48 minutes 52 seconds East and a length of 35.03 feet; (2) thence Southerly, Southeasterly and Easterly along said curve an arc distance of 38.81 feet to the point of reverse curvature of a curve to the right having a radius of 2938.16 feet and subtended by a long chord having a bearing of North 82 degrees 00 minutes 19 seconds East and a length of 541.58 feet; (3) thence Easterly along said curve an arc distance of 541.58 feet; (4) thence North 00 degrees 25 minutes 47 seconds West 235.17 feet to the southern right of way of said Whitestown Parkway, said point being on a curve to the right having a radius of 3173.16 feet and subtended by a long chord having a bearing of North 87 degrees 39 minutes 07 seconds East and a length of 20.51 feet; thence the following three (3) courses along said right of way line: (1) Easterly along said curve an arc distance of 20.51 feet; (2) thence North 87 degrees 50 minutes 00 seconds East 361.50 feet; (3) South 41 degrees 44 minutes 31 seconds East 77.84 feet; (4) North 87 degrees 50 minutes 00 seconds East 31.16 feet to the east line of said Northwest Quarter; thence South 00 degrees 25 minutes 47 seconds East 1064.00 feet along said east line to the point of beginning, containing 49 acres, more or less.

